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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,858	11/13/2001	O. Michael Atogi	RSW920010211US1	7613
25259 7590 05/09/2007 IBM CORPORATION 3039 CORNWALLIS RD. DEPT. T81 / B503, PO BOX 12195 REASEARCH TRIANGLE PARK, NC 27709			EXAMINER NGUYEN, NGA B	
			ART UNIT 3692	PAPER NUMBER
			NOTIFICATION DATE 05/09/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

RSWIPLAW@us.ibm.com

Office Action Summary

Application No.

10/007,858

Applicant(s)

ATO GI ET AL.

Examiner

Nga B. Nguyen

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4 and 5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is the answer to the Amendment filed on January 31, 2007, which paper has been placed of record in the file.
2. Claims 4 and 5 are pending in this application.

Response to Arguments/Amendment

3. Applicant's arguments with respect to claims 4 and 5 have been considered but are moot in view of new ground of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stein et al (hereinafter Stein), U.S. Patent No. 5,826,241, in view of Johnson et al (hereinafter Johnson), U.S. Patent No. 6,999,943.

Regarding to claim 4, Stein discloses a payment management system including:
one or more payment protocol plug-ins normally used to control online funds transfers from a financial institution to a seller account following placement of a merchandise order by a buyer with the seller (column 3, lines 50-60, ***the payment***

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system 10 unitizes these commercially available issuers 32, to bill users and to collect payment from users for their transactions on the Internet),

each of the payment protocol plug-ins being implemented by extending a framework characterized by:

a Payment Instruction data structure describing payment instructions for completing the transaction (column 5, lines 27-40, the payment system 10 includes card holder account 100 contains: the pay-in selection 108, using a conventional authorization to charge a credit card, and the pay-out selection 110, direct deposit into checking account),

a Capture data structure describing the state of a specific transaction by which a seller is compensated (column 8, lines 37-55, the front end program 90 at the payment system 10 receives the transfer-result message contains: the transaction-identifier, the seller's name, the buyer's name, the transfer type, the textual description of the transaction, the transfer amount in the currency, the indication of the buyer's willingness to allow transfer of funds, etc...),

a Refund data structure describing the state of a specific transaction by which compensation is returned to a buyer (column 11, line 55-column 12, line 7, chargeback transaction),

a Batch data structure defining a set of Captures and Refunds to be processed as a unit (column 11, lines 1-55, the back end program 92 at the payment system 10 batches the accumulated payment transactions into a single off-Internet transaction, using the pay-out method associated with the seller's account), and

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an Account data structure describing a relationship between a seller and a financial agent responsible for transferring funds into a seller account (column 5, lines 10-20, the payment system 10 includes the cardholder account 100),

said system further including:

seller-defined storage areas in the Payment Instruction data structure for receiving seller-entered information and a seller-defined storage area in the Account data structure identifying the method being modeled (the user 14 receives a blank form and enters information includes: the application's name, address, phone number, credit card information, checking account information, or other financial information, etc...the entered information is transmitted to the payment system 100; column 5, lines 27-40, the payment system 10 includes card holder account 100 contains: the pay-in selection 108, using a conventional authorization to charge a credit card, and the pay-out selection 110, direct deposit into checking account).

Stein does not disclose seller-entered information unique to a specific offline method being modeled. However, Johnson discloses the seller utilizes different offline payment protocols (column 24, line 60-column 25, line 10, e.g. loyalty points, barter units, Cash-on-Delivery (COD), etc...). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Stein's to allow the seller to provide the offline payment protocols as taught by Johnson to the payment system 10, for the purpose of providing the buyer the opportunity to pay for the purchased goods with the different offline payment protocols.

Regarding to claim 5, Stein does not disclose wherein each seller-defined storage area comprises a field of finite length. However, designing a field of finite length in a storage area is well known in the art of database management. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Stein's to include the well-known feature above, for the purpose of creating a field of a finite length in the database to store the seller information.

Conclusion

6. Claims **4-5** are rejected.

7. The prior arts made of record and not relied upon is considered pertinent to applicant's disclosure:

Rose et al. (US 5,757,917) disclose computerized payment system for purchasing goods and services on the Internet.

Walker et al. (US 5,794,207) disclose method and apparatus for a cryptographically assisted commercial network system designed to facilitate buyer-driven conditional purchase offers.

Sirbu et al. (US 5,809,144) disclose method and apparatus for purchasing and delivering digital goods over a network.

Kramer (US 6,002,767) discloses system, method and article of manufacture for a modular gateway server architecture.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is

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(571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on (571) 272-6777.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

C/o Technology Center 3600

Washington, DC 20231

Or faxed to:

(571) 273-8300 (for formal communication intended for entry),

or

(571) 273-0325 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox building, 501 Dulany Street, Alexandria, VA, First Floor (Receptionist).



NGA NGUYEN
PRIMARY EXAMINER

April 24, 2007